

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EUNICE MAE VERONICA CHIWEWE, as Personal
Representative in the Estate of ROXANNE CRYSTAL
JIRON, a deceased minor, EUNICE MAE VERONICA
CHIWEWE, as Personal Representative in the Estate of
IVAN B. CHIWEWE, deceased, EUNICE MAE VERONICA
CHIWEWE, individually, JUAN CRESCENCIO JIRON,
ELI CHIWEWE, and CALVIN R. LUCERO,

Plaintiffs,

vs.

Civ. No. 02-0397 JP/LFG-ACE

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,
AMTRAK, ROBERT H. WILBUR, DAVID
SCHUTE, A. NABE, WYMAN L. SCHENK,
JOHN DOE 1, and JOHN DOE 2,

Defendants.

MEMORANDUM OPINION AND ORDER

The Plaintiffs filed this lawsuit in state court on March 8, 2002 and the Defendants removed it to federal court on April 8, 2002. The Plaintiffs also filed a parallel lawsuit in Isleta Tribal Court on March 8, 2002. On June 11, 2002, the Defendants filed an Application for Temporary Restraining Order and Preliminary Injunction (Doc. No. 8) to enjoin the Plaintiffs from taking any further action against the Defendants in Isleta Tribal Court. Contrary to what its title indicates, the Application for Temporary Restraining Order and Preliminary Injunction is only an application for a preliminary injunction. *See* Errata to Application for Preliminary Injunction (Doc. No. 10), filed June 11, 2002. The application for preliminary injunction is based on Defendants' argument that the tribal court lacks jurisdiction to hear this case. The tribal court has set a hearing on August 20, 2002 to address the issue of tribal court jurisdiction. Having reviewed